

**CALENDAR ITEM
C57**

A 50
S 27

04/20/17
PRC 9344.1
S. Avila

CORRECTION OF PRIOR AUTHORIZATION

LESSEE:

Michael Ferrone, Successor Trustee of the Ferrone Trust dated September 29, 1988

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to 19830 Pacific Coast Highway, city of Malibu, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of a portion of an existing residence and deck, and construction, use, and maintenance of a concrete bag wall.

LEASE TERM:

10 years, beginning June 28, 2016.

CONSIDERATION:

\$7,740 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

PROPOSED CORRECTION:

Correct the annual rent from \$7,740 per year, authorized at the June 28, 2016, Commission meeting ([Calendar Item C75, June 28, 2016](#)) to \$2,869 per year. Except for the adjustment of rent, all other terms and conditions of the lease shall remain in effect without change.

OTHER PERTINENT INFORMATION:

1. The authorized rent amount was incorrectly calculated at the full appraisal rate for all improvements in the lease. The rent for the area occupied by the concrete bag wall (189 square feet) and the deck (329 square feet) should have been calculated at a lower rate to reflect their lower utility and

CALENDAR ITEM NO. **C57** (CONT'D)

intensity of use in comparison to the area occupied by a portion of the residence.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Authorizing the correction of annual rent is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Authorize the correction of the Commission's June 28, 2016 authorization of a General Lease – Protective Structure and Residential Use, to adjust the annual rent from \$7,740 to \$2,869, effective June 28, 2016; except for the adjustment of rent, all other terms and conditions of the prior authorization and lease will remain the same.

EXHIBIT A

PRC 9344.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Pacific Ocean, City of Malibu, County of Los Angeles, State of California, lying adjacent to Lot 45 as shown on that certain Tract Map 24026, filed November 27, 1957 in Book 625 of Maps at pages 73 to 75, Los Angeles County Records, and being more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 45; thence southeasterly along the northeasterly line and the southeasterly prolongation thereof, 69.6 feet; thence leaving said prolongation in a southwesterly direction, perpendicular to said prolongation, to a point on the southeasterly prolongation of the southwesterly line of said lot; thence northwesterly along said southeasterly prolongation and the southwesterly line of said lot, 63.2 feet to the westerly corner of said lot; thence in a northeasterly direction along the northwesterly line of said lot to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark of the Pacific Ocean.

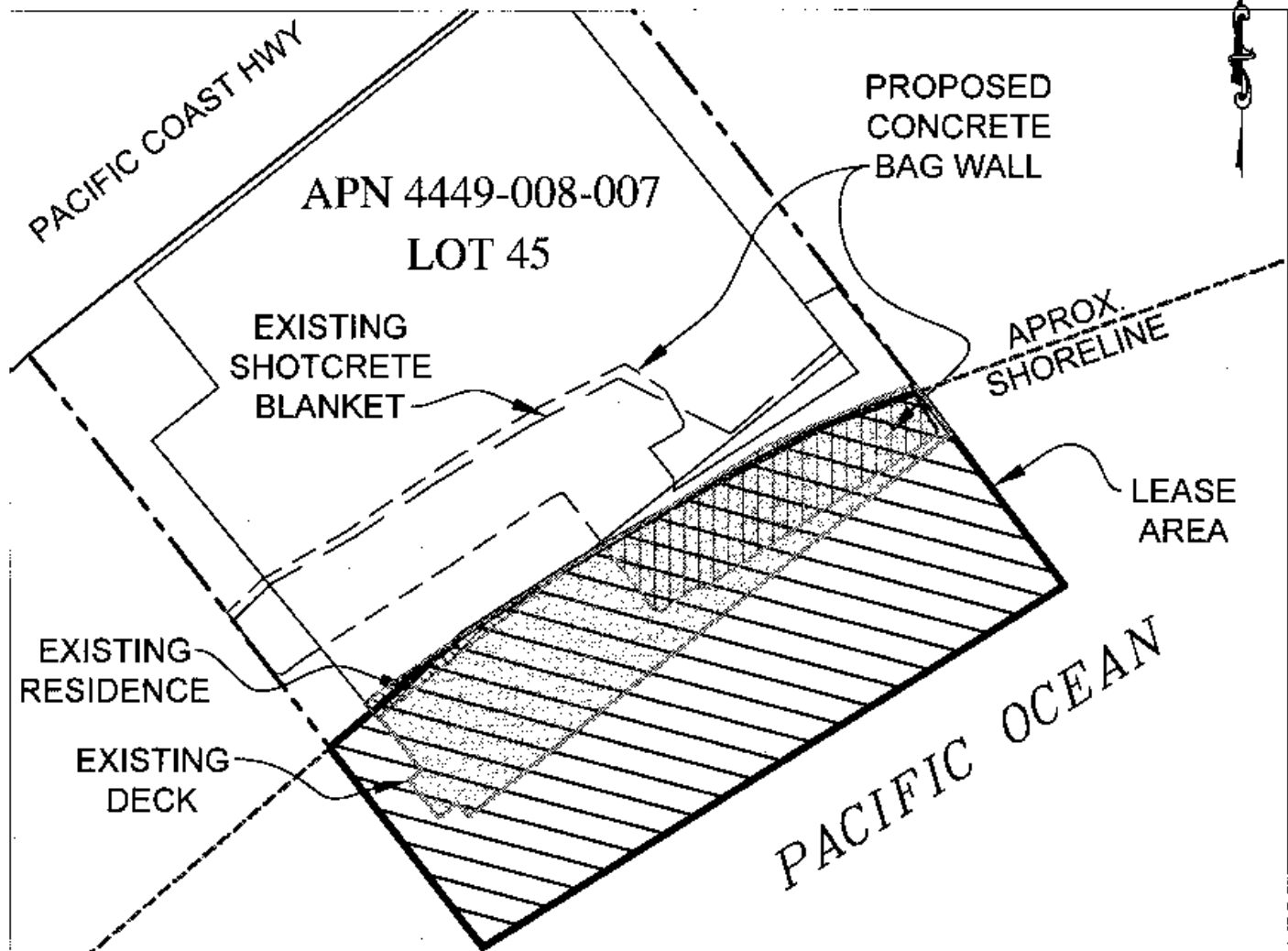
END OF DESCRIPTION

Prepared 01/25/2016 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



19830 PACIFIC COAST HWY., MALIBU, CA.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 9344.1
MICHAEL FERRONE TRUST
APN 4449-008-007
GENERAL LEASE -
PROTECTIVE STRUCTURE &
RESIDENTIAL USE
LOS ANGELES COUNTY



RGB 01/03/16